

From:Kanzlei Frohwitter

To:009643181262

19/12/2008 13:06

#287 P.003/008

Docket No. F-8567

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

5 Applicant : Martin Zapf, et al.
Serial No. : 10/527,765
10 Filed : March 11, 2005
For : INDUCTIVE SWITCH
Group Art Unit : 2832
15 Examiner : Ramon M. Barrera
Confirmation No. : 5172
Customer No. : 000028107
20
25 Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION UNDER 37 C.F.R. § 1.132

30 I, Thomas Luber, an individual, residing at Schalkenthaler Weg 32, 92256 Hahnbach, Germany, being an experienced engineer in the field of planar coils and being a co-inventor of the US patent application serial no. 10/527,765, declare as follows:

35 I am not only familiar with my instant co-invention, but I am also familiar with another invention of my co-inventor Martin Zapf, namely the invention according to the patent US 6,852,937 B2 ('937) (Martin Zapf et al). The invention of the '937 patent discloses in Figure 2 an inductive switching unit 2 that is also

Mar 27 09 07:47p

HERBERT F RUSCHMANN

516 624 2215

p.19

From:Kanzlei Frohwitter

To:009643181262

19/12/2008 13:07

11287 P.004/009

F-8567

Ser. No. 10/527,765

described in column 2, lines 25 to 51 of the patent. In this switching unit 2, an exciter loop 12 is surrounded by a sensor loop 13 (see also Figure 3). One skilled in the art understands that said *exciter loop 12 excites said sensor loop 12 by a magnetic coupling field which is produced by the oscillating power source 12.*

- 5 This is the case of "two coils being coupled to give transformer action".

The main effect between the exciter loop 12 and the sensor loop 13 (forming a so-called planar transformer) is the so-called *mutual inductance M* of the transformer 12, 13. A negligible effect in this transformer configuration 12, 13
10 is the so-called *self* inductance or "inductance L of one coil" of the sensor loop 13 that has a very small, scattered magnitude in said closely coupled transformer configuration 12, 13, and that is not used in the device of the '937 patent for switching purposes. Rather, the magnetic coupling (*mutual inductance M*)
15 between the planar coils 12 and 13 is changed by the activation unit 3, and this effect is used as a switching effect. The *mutual inductance M* of the transformer 12, 13 is, as one skilled in the art readily understands, a magnetic effect that is quite different from the other magnetic effect of *self inductance L* or "*inductance L of one coil*". Omitting the exciter coil 12 leads to a substantially different configuration and operation which is the basis of the present invention. The
20 inductance L is directly or indirectly detected here, namely as an inductance change or a change of a resonance frequency.

Mar 27 09 07:47p

HERBERT F RUSCHMANN

516 624 2215

p.20

From:Kanzlei Frohwitter

To:009643181262

19/12/2008 13:07

#287 P. 005/008

F-8567

Ser. No. 10/527,765

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both,
5 under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

Date 12.01.2009 By Thomas T.

10

Thomas Luber
Engineer

3

C4126724CTUS-FR8567 Declaration re file 112 (PC10)

RECEIVED
616 624 2215
CENTRAL FAX CENTER
MAR 27 2009

FROHWITTER

PATENT UND RECHTSANWÄLTE
INTELLECTUAL PROPERTY COUNSELORS

Frohwitter, P.O. Box 86 03 68, D-81630 München

Jordan and Hamburg
Mr. C. Bruce Hamburg
Mr. Herbert F. Ruschmann
 Chanin Building
 122 East 42nd Street
 New York, NY 10168
 U S A

January 13, 2009

TELEFAX: 001-212-953-7733 + 7738
Via Fax in advance 4 page(s)

Confidential and Privileged Communication

Patent application 10/527,765 in the U S A
 Cherry GmbH
INDUCTIVE SWITCH
 Your Ref.: F-8567
 Our Ref.: C81287PCTUS

Dear Bruce,
 Dear Herb,

Please find attached the outstanding declaration. The original will
 be sent to you by confirmation letter.

Very truly yours,

Dr. Thomas Leske
 Dr. Thomas Leske
 European Patent Attorney

Enclosure
 Declaration

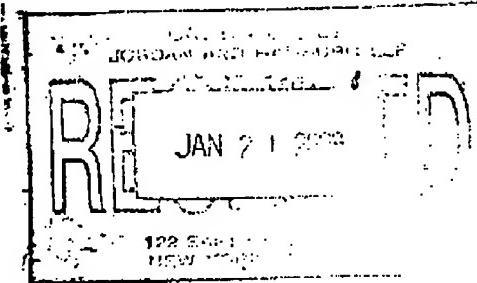
F/LE/SW/sd

Possartstrasse 20
 81679 München
 Germany

P.O. Box 86 03 68
 81630 München
 Germany

Tel +49 89 99 80 9 00
 Fax +49 89 99 80 9 555

info@frohwitter.com
 www.frohwitter.com



BERNARD FROHWITTER
 Dipl.-Ing., Rechtsanwalt

MARTIN EHRENDT
 Dipl.-Ing., Patentanwalt
 European Trademark Attorney

JAN GIGERICH
 Dipl.-Ing., Patentanwalt
 European Patent & Trademark Attorney

TATJANA KOWAL-WOLK
 Dr. jur., Rechtsanwältin

THOMAS LESKE
 Dr. Ing., habil., Dr. iur., Dipl.-Ing., Patentanwalt
 European Patent & Trademark Attorney

HIDERU NIEKA
 Dr. jur., Rechtsanwalt

KLAUS SCHWENDY
 Dr. jur., Rechtsanwalt

ROMAN SIEDLMAYER
 Dr. iur. phil., Rechtsanwalt

EDWARD TOLMINSON
 Fb. D. C. H. C. P.
 European Patent Attorney
 UK Chartered Patent Attorney

LUDWIG VOHLAND
 Dr. jur., Rechtsanwalt

Dr. Thomas Leske

HANS-MORBERT MAYLIS
 Dipl.-Ing., Rechtsanwalt, Fachanwalt
 Vertr. Rechtsanwalt und Notar
PETER SCHÖNITZ
 Dr. iur., Dr. iur. der Rechte